

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD J. HILL,

Plaintiff,

v

JUSTIN WONCH, and
TOWNSHIP OF FORSYTH,

Defendants.

U.S. District Judge:

Hon. Hala Y. Jarbou

U.S. Magistrate Judge:

Maarten Vermaat

Case No: 2:19-cv-159

Phillip B. Toutant
Karl P. Numinen
NUMINEN DEFORGE & TOUTANT, P.C.
Attorneys for Plaintiff
105 Meeske Avenue
Marquette, MI 49855
(906) 226-2580

M. Sean Fosmire
KITCH DRUTCHAS WAGNER
VALITUTTI & SHERBROOK
Attorneys for Defendants
1440 W. Ridge Street, Ste. C
Marquette, MI 49855-3199
(906) 228-0001

DEFENDANTS' MOTIONS IN LIMINE

Defendants submit these motions *in limine* ahead of trial to ask the court to make advance rulings on the points raised so that the parties, the attorneys, and the witnesses know from the outset what the legal rules will be that will govern opening statements, offers of testimony from witnesses, offers of other evidence, and the arguments to be made at closing. The matters that are discussed in this motion are proper ones for such advance ruling by the court under the facts and circumstances that are presented in this case.

Defendants' motions are:

1. The bodycam video that was created at the time of the encounter between Officer Wonch and Jack Hill should be truncated at 17 minutes and 15 seconds, given this court's previous rulings on the issues of proper use of force at the various stages of the encounter.

2. The court is requested to rule in advance that any claims of ordinary negligence that are raised by the plaintiff do not and cannot support a claim for constitutional violations under 42 U.S.C. §1983.

3. The court is request to rule in advance that the use of foul language by Officer Wonch does not and cannot support a claim for constitutional violations under 42 U.S.C. §1983.

The arguments and authorities supporting the motions are set forth in the accompanying brief.

Defendants request that their motions be granted.

KITCH DRUTCHAS WAGNER
VALITUTTI & SHERBROOK

Dated: April 11, 2022

By: /s/ M. Sean Fosmire
M. Sean Fosmire